

October 03, 1997, which is a continuation-in-part of U.S. Patent Application Serial No. 08/923,683 filed September 04, 1997, and is further a continuation-in-part of U.S. Patent Application Serial No.

08/889,319, filed July 8, 1997 (now US Patent No. 6,085,169), which is a continuation-in-part of U.S.

Patent Application Serial No. 08/707,660, filed September 4, 1996, now issued U.S. patent no.

5,794,207. --

REMARKS

This Preliminary Amendment is submitted prior to examination of the instant patent application. The outstanding office action includes a rejection of the claims under 35 USC 103(a) in view of commonly-assigned Patent No. 6,041,308 (the '308 patent). Applicants respectfully request reconsideration of the instant claims in view of the following remarks.

By refiling the instant application as a CPA, Applicants have confirmed the application of the revisions to 35 USC 102(e) introduced by the American Inventors Protection Act (AIPA). Under 35 USC 103 (c), the '308 patent cannot be considered as a reference under 102(e) since the subject matter of the '308 patent and the instant application were commonly assigned at the time the invention was made. Applicants note that the '308 patent and the instant application remain commonly assigned. Applicants further note that the instant application now claims priority to the '308 patent. Both the instant application and the '308 patent claim priority back to US Patent No. 5,794,207, filed September 4, 1996. Accordingly, Applicants respectfully submit that the '308 patent is not prior art to the instant application.

Accordingly, Applicants respectfully submit that each of the pending claims are in condition for allowance.

Applicants further respectfully request a corrected filing receipt to confirm the updated priority information data.

The Examiner is invited to contact Applicants' undersigned representative to discuss any issues which may advance the prosecution of the instant application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account 13-4500, Order No. 3553-4044US2.

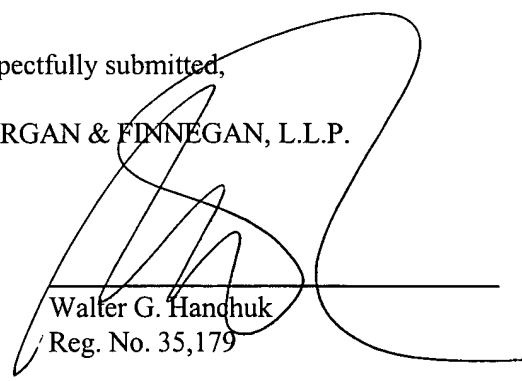
In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 3553-4044US2. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: June 18, 2002

By:


Walter G. Handhuk
Reg. No. 35,179

Mailing Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, New York 10154
(212) 758-4800
(212) 751-6849 Telecopier

Appendix

In the Specification:

Page 1, after the title of the invention, please replace the priority information paragraph as follows: - -

Related Applications/Patents, Claim to Priority and Incorporation by Reference

The instant application claims priority to and incorporates by reference each of the following applications: The instant application is a CPA of 09/518,495, filed on March 3, 2000, which is continuation of 09/238,546, filed January 28, 1999, which is a divisional of 08/889,304, filed July 8, 1997, now US Patent 5,897,620. The instant application also claims priority to U.S. Patent Application Serial No. 09/400,656, filed September 21, 1999, which is a continuation of 09/205,787 (now US Patent No. 6,041,308) which is a continuation -in -part of U.S. Patent Application Serial No. 08/943,483 filed October 03, 1997, which is a continuation-in-part of U.S. Patent Application Serial No. 08/923,683 filed September 04, 1997, and is further a continuation-in-part of U.S. Patent Application Serial No. 08/889,319, filed July 8, 1997 (now US Patent No. 6,085,169), which is a continuation-in-part of U.S. Patent Application Serial No. 08/707,660, filed September 4, 1996, now issued U.S. patent no. 5,794,207. --